

MAGISTRATE JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – PHOENIX

U.S. Magistrate Judge: Deborah M. Fine

Date: December 21, 2021

USA v. David Allen Harbour

Case Number: CR-19-00898-001-PHX-DLR

Assistant U.S. Attorney: Kevin M. Rapp and Coleen Schoch

Attorney for Defendant: Ashley Adams, Retained

Interpreter: N/A

Defendant: ☒ Present, appearing telephonically ☒ Custody

**MOTION HEARING AND INITIAL APPEARANCE ON UNITED STATES'
SUPPLEMENTAL PETITION TO REVOKE DEFENDANT'S RELEASE PENDING TRIAL
(DOC. 290):**

2:41 p.m. Sealed *ex parte* discussion held between defense counsel, Defendant and the Court. 2:54 p.m. Sealed portion ends.

2:59 p.m. Court resumes. All parties present. The Court finds that the Defendant consents to proceed with this hearing by audio-teleconference after consultation with counsel. The Court further finds it is in the interests of justice to proceed in this manner for the safety of all participants during the pandemic. **IT IS ORDERED** granting Defendant's *Ex Parte* Motion to Withdraw as Counsel (Doc. 289). The Court advises victims and the public on proper procedures to follow in the future if they wish to listen in to court proceedings.

As to Defendant's Motion to Continue Revocation Hearing (Doc. 287), **IT IS ORDERED** granting Defendant's Motion to Continue. The Pretrial Release Revocation Hearing and Detention Hearing are reset to **December 29, 2021 at 1:00 p.m.** before this Court, courtroom 304. Counsel shall provide their exhibits, exhibit lists and witness lists to the Courtroom Deputy no later than close of business on December 27, 2021.

For the reasons stated on the record, **IT IS ORDERED** denying Defendant's Motion for Leave to File Exhibits to Response to United States' Petition to Revoke (Doc. 274). **IT IS FURTHER ORDERED** denying Government's Motion to Seal Exhibit A (Doc. 291). Discussion held as to Defendant's Motion to File Certain Exhibit *Ex Parte* (Doc. 283). **IT IS ORDERED** denying Motion to File Certain Exhibits *Ex Parte* (Doc. 283) without prejudice to defense counsel re-urging the motion at a later time.

THE COURT FINDS sufficient cause to proceed on United States' Supplemental Petition to Revoke Defendant's Release Pending Trial (Doc. 290). Initial Appearance held.

Recorded By Courtsmart
Deputy Clerk Molly Frasher

Mtn 1hr17m
Start: 2:41 pm
Stop: 3:58 pm